

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

James Dean Ham

Date of Original Judgment: 07/18/2019

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:18-cr-55-KDB-DCK-1USM No: 19898-058Mekka Danielle Jeffers-Nelson*Defendant's Attorney***ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in*
135 months on Counts 1 & 2
and 120 months on Count 4
to run concurrent to each
other and consecutive to
related revocation matter
121 months on Counts 1 & 2 and
97 months on Count 4 to run
concurrent to each other and
consecutive to related revocation
matter
the last judgment issued) of _____ months **is reduced to** _____ matter .

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 07/18/2019 shall remain in effect.**IT IS SO ORDERED.**

Signed: August 2, 2024


Kenneth D. Bell
United States District Judge
Judge's signature

Effective Date:
(if different from order date)

Kenneth D. Bell
Printed name and title

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: James Dean HamCASE NUMBER: 5:18-cr-55-KDB-DCK-1DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**Previous Total Offense Level: 29Amended Total Offense Level: 29Criminal History Category: IIICriminal History Category: IIPrevious Guideline Range: 120 to 135 monthsAmended Guideline Range: 97 to 121 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)

The Defendant had “status points” under U.S.S.G. §4A1.1 in Amendment 821. Defendant had 3 criminal history points before the addition of 2 status points. (Doc. No. 19, ¶¶ 54-55). With the removal of 2 status points (because he had 6 criminal history points or less), criminal history points of 3 equals a criminal history category II. With an Offense Level of 29 and a criminal history category II, the amended guideline range would be 97 to 121 months. At sentencing, the Court imposed the higher end of the range on Counts 1 and 2, and the lower end of the range on Count 4 to run concurrent to each other and consecutive to related revocation matter. The Court will do so with the amended range imposing the higher end of the range yielding a sentence of 121 months on Counts 1 and 2, while imposing the lower end of the range yielding a sentence of 97 months on Count 4 to run concurrent to each other and consecutive to related revocation matter. Defendant has had no incident reports while in prison and is programming as well as work assignments.